



all response costs incurred and to be incurred by the State in responding to releases of hazardous substances at the Site pursuant to CERCLA §§ 107(a)(3) & (4) and 113(g)(2), 42 U.S.C. §§ 9607(a)(3) & (4) and 9613(g)(2);

**WHEREAS**, on July 22, 2009, following the Supreme Court's decision in *Burlington Northern and Santa Fe Ry. Co. v. U.S.*, 556 U.S. 599 (2009), the State voluntarily dismissed with prejudice the claims brought pursuant to CERCLA §§ 107(a)(3) & (4), 42 U.S.C. §§ 9607(a)(3) & (4) against Defendants Dow, Ethyl and PPG;

**WHEREAS**, by Memorandum and Order, dated June 3, 2011, the Court dismissed the State's claims for public nuisance and indemnification; and

**WHEREAS**, Defendants Dow, Ethyl and PPG deny liability on each and every remaining cause of action asserted by the State;

**IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned counsel, that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the State dismisses all claims against the Defendants Dow, Ethyl and PPG with prejudice, without costs or attorneys' fees to any party.

**STATE OF NEW YORK**  
**ERIC T. SCHNEIDERMAN**  
Attorney General of the State of New York

Dated: December 12, 2011  
New York, New York

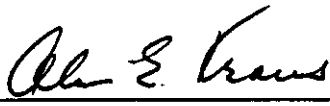
By: Pedro Medina by (signature)  
Pedro Medina  
Assistant Attorney General  
Environmental Protection Bureau  
120 Broadway, 26th Floor

New York, New York 10271  
(212) 416-8464

**ETHYL CORPORATION**

Dated: December 12, 2011  
Newark, New Jersey

By:

  
\_\_\_\_\_  
Alan E. Kraus, Esq.  
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Newark, New Jersey 07101  
Phone: 973-639-1234


**PPG INDUSTRIES, INC.**

Dated: December\_\_\_\_\_, 2011  
New York, New York

By: \_\_\_\_\_  
Paula J. Schauwecker, Esq.  
Beveridge & Diamond, P.C.  
477 Madison Avenue  
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Phone: 212-702-5407

**DOW CHEMICAL COMPANY**

Dated: December 12, 2011  
Chicago, Illinois

By:   
Steven Siros, Esq.  
Jenner & Block  
353 North Clark  
Chicago, IL 60564  
Phone: 312-923-2717

**WEST SIDE CORP. and  
SHELDON F. SCHIFF**

Dated: December\_\_\_\_\_, 2011  
New York, New York

By: \_\_\_\_\_  
John Curran, Esq.  
Tannenbaum Helpert Syracuse &  
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900 Third Avenue  
New York, NY 10022  
Phone: 212-508-6717

So Ordered

\_\_\_\_\_  
**The Honorable Eric N. Vitaliano**  
**United States District Judge**  
**Eastern District of New York**

Date:

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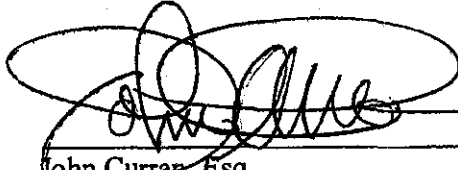
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**The Honorable Eric N. Vitaliano**  
**United States District Judge**  
**Eastern District of New York**

Date:

**PPG INDUSTRIES, INC.**

Dated: December 12, 2011  
New York, New York

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**DOW CHEMICAL COMPANY**

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**WEST SIDE CORP. and  
SHELDON F. SCHIFF**

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New York, New York

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New York, NY 10022  
Phone: 212-508-6717

*The Clerk is directed to close this case*

*Dated: Brooklyn, NY  
January 11, 2012*

So Ordered

s/ ENV

**The Honorable Eric N. Vitaliano**      **Date:**  
**United States District Judge**  
**Eastern District of New York**